

# SENATE BILL REPORT

## ESB 5657

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As Passed Senate, January 30, 2008

**Title:** An act relating to creating the revised uniform anatomical gift act.

**Brief Description:** Creating the revised uniform anatomical gift act.

**Sponsors:** Senators Keiser, Delvin, Hewitt, Hobbs, Oemig, Murray, Tom, Brandland, Rockefeller, McAuliffe and Kohl-Welles.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/05/07, 2/08/07 [DP].  
Passed Senate: 1/30/08, 49-0.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

**Staff:** Rhoda Donkin (786-7465)

**Background:** Washington's Uniform Anatomical Gift Act permits a person to donate all or part of his or her body to another person, a hospital, procurement organization, research institution, and other entities for transplantation, research, or the advancement of science. An organ donor may indicate his or her intent to donate by signing a "document of gift." This may be a driver's license or a donor card. Unless the donor revokes his or her gift before death, the donation may occur without the consent of another person.

Approximately 90,000 people are on a national transplant waiting list; 1,200 of these are listed at Washington State transplant centers. There is concern that Washington's current anatomical gift act should be updated to comply with the federal revised Uniform Anatomical Gift Act and current donation practice. Uniformity is considered important because transplantation occurs across state boundaries and requires speed and efficiency if the organ is to be successfully transplanted into the recipient. Due to the urgency of the donation process, there is no time to research and conform to variations of laws among states. It is considered a detriment to the success of the state's donation efforts to have statutes that do not conform with federal law.

**Summary of Bill:** Current statute related to anatomical gifts is repealed and replaced with comparable provisions with some exceptions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Emancipated minors and minors able to apply for a driver's license are authorized to make an anatomical gift. Parents may revoke gifts if the request is made prior to removal.

New rules are described addressing decision-making among and between those authorized to make an anatomical gift of a decedent's body when a donor had not made a gift nor signed a refusal.

The coroner or medical examiner are required to cooperate with procurement organizations. If a coroner receives notice from a procurement organization that an anatomical gift may be available, examination of the body must be done within a period compatible with its preservation for the purposes of the gift. Conditions are outlined for managing anatomical gifts in situations where the coroner is involved in a post-mortem investigation.

Coroners and medical examiners are prohibited from making anatomical gifts.

An anatomical gift made by a parent on behalf of a minor child is void once the child becomes an adult.

An anatomical gift may not be revoked once transplant procedures have begun on the recipient of the gift.

Procurement agencies must provide appropriate materials and/or interpreter services when necessary to people whose first language is not English.

A process is described in the event there is a conflict between an advance directive and a document of gift.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Since anatomical gifts occur across state lines, it is very important that state laws relating to them are uniform. There is no time to research every different state law, and still get donations to recipients in a timely fashion. This makes our state law uniform with federal anatomical gift statutes.

**Persons Testifying:** PRO: Dennis Cooper, Uniform Law Commissioner; Vicki Austin, Life Center Northwest; Monica Johnson, Tomanka, Life Center Northwest.